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C O N F I D E N T I A L VIENNA 000132

SIPDIS

DEPARTMENT FOR L, NP, T, EUR/ERA AND EUR/AGS

E.O. 12958: DECL: 01/12/2015

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SUBJECT: SUPPORT FOR U.S. AMENDMENTS TO SUA CONVENTION:
AUSTRIAN RESPONSE

REF: A) STATE 04828 B) 04 VIENNA 00347

Classified By: Economic-Political Counselor Gregory E. Phillips.
Reasons 1.4(b) and (d)

1. (C) Political Unit Chief delivered reftel demarche to MFA head of Multilateral Legal Affairs unit Michael Postl on January 12. Postl reiterated that the SUA convention is not the highest priority for Austria, given how few Austrian-flagged ships there are. Postl recalled the January 2003 meeting on SUA with Political Unit Chief, however (ref B), and told us that the Justice Ministry had determined in the interim that under Austrian law, mere possession of WMD or related materials would suffice in order to demonstrate criminal intent.

2. (C) Postl welcomed ref A's clarification of the U.S. positions, and especially the justification under UNSCR 1540. He was unable to give us an immediate response on our proposals; but agreed to renew our talks after consulting with MFA Nonproliferation Bureau and the Justice Ministry. Postl also said that MFA Legal Affairs officer Thomas Loidl (who also attended our meeting) would likely represent Austria at the January 17 EU COMAR working group meeting in Brussels. Austria would also send a representative to the Legal Committee meetings (possibly from their Embassy in London), and would attend the diplomatic conference in October as well.
Brown